



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: David P. McGlooin and Norman M. Edwards -
Per Diem at Permanent Duty Station

File: B-230619

Date: November 16, 1988

DIGEST

Two employees were notified that they were being reassigned from New Orleans, Louisiana, to a new duty station and, prior to reporting, they were to undergo 6 months of training at two locations. After their training assignments but before their transfer to the new official station, the employees were assigned to perform temporary duty in New Orleans. While per diem allowances may not ordinarily be paid at an employee's official station, such allowances may be paid under these circumstances where the employees, in reliance on agency notification, vacated their residences, packed their personal belongings, and arranged for their families to travel with them. See 54 Comp. Gen. 679 (1975).

DECISION

This decision is in response to a request by Ms. Virginia M. Cummings, Chief, Travel Section, National Finance Center (NFC), United States Customs Service, Department of the Treasury, for a decision as to whether two Customs employees, Messrs. David P. McGlooin and Norman M. Edwards, may be paid per diem allowances while performing temporary duty at their permanent duty station. For the reasons stated below, we conclude that these employees may be paid per diem under these circumstances.

BACKGROUND

In November 1986, Messrs. McGlooin and Edwards, airplane pilots for the Customs Service, were notified by written electronic message and by agency officials that they were being reassigned from the Air Operations Branch, New Orleans, Louisiana, to the Surveillance Operations Center in Corpus Christi, Texas. Prior to being transferred to Corpus Christi, they were ordered to perform simulator and flight

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training for approximately 6 months at Beth Page, New York, and San Diego, California.

Mr. McGloon states that based upon this information, he vacated his residence in New Orleans, placed it on the market for sale, arranged for friends to house sit, packed his family's personal belongings, and made arrangements for them to travel with him to San Diego. He participated in training at Beth Page from December 9 through 22, 1986, returned to New Orleans for the holidays, and resumed training at San Diego on January 19, 1987. On April 20, 1987, Mr. McGloon was ordered to return to New Orleans to perform a temporary duty assignment. By Travel Authorization dated April 21, 1987, Mr. McGloon was authorized reimbursement for "dual quarters" and payment of per diem. A notation in the remarks section stated "'Dual quarters authorized' (Per 'Stacy' at NFC on 4-21-87)." His claim for per diem during this period in the amount of \$363 was disallowed by the agency for the reason that no per diem may be paid at an employee's official duty station.

The factual background for Mr. Edwards' claim is the same as Mr. McGloon's except that Mr. Edwards states that he was informed by Customs Service officials that he would be transferred directly from San Diego to Corpus Christi upon completion of his temporary duty training in San Diego. Based upon this and the previously stated information, Mr. Edwards vacated his New Orleans residence, placed it in a rental status, and made arrangements to sell the property.

OPINION

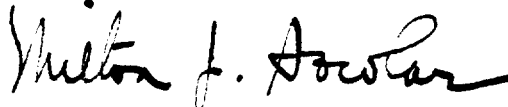
Under the provisions of paragraph 1-7.4a of the Federal Travel Regulations (FTR) FPMR 101-7, (Supp. 20, May 30, 1986, incorp. by ref., 41 C.F.R. § 101-7.003 (1987), a per diem allowance may not be allowed within the limits of the employee's official station. Further, under the FTR, para. 2-1.4 (Supp. 4, Aug. 23, 1982), the effective date of a transfer is the date on which an employee reports for duty at his or her new official station. In construing these two provisions, it would appear that they impose a requirement that an employee must actually report for duty at his or her new post of duty before it may be considered as being the employee's permanent duty station, in order to entitle the employee to per diem at the former permanent duty station where temporary duty is performed.

However, in various decisions of this Office, we have recognized that special circumstances justify making exceptions to the general rule that precludes the payment of per diem

at an employee's official duty station. One exception to the general rule occurs when an employee, for whom a permanent change of station has been authorized, significantly changes his or her position by vacating the residence at the former duty station, leasing or selling the property, shipping the household goods, etc., and then is ordered to perform temporary duty at the place of previous residence. In a prior decision which closely parallels this case, 54 Comp. Gen. 679 (1975), the employee vacated his residence at his former duty station, entered into a real estate purchase contract at his new official station, and delivered his household goods for shipment to the new duty post in reliance on written notification of transfer. The employee delayed his permanent change of station 1 month due to an urgent need for his services at his former duty station. We held that, under the facts presented, application of the exceptional circumstances rule was warranted and allowed payment of per diem at the employee's permanent duty station.

While in the present case the employees had not been specifically authorized a change of official station, the written electronic message along with statements by agency officials informing them that they were to perform temporary duty for approximately 6 months and then be reassigned directly to their new duty station in Corpus Christi, clearly justified their reliance on such information. In relying on this information, they significantly altered their positions with respect to changing their places of residence. Under the circumstances, it appears they had no choice but to incur per diem expenses when ordered to perform temporary duty at their duty station in New Orleans.

Accordingly, under these circumstances in these cases, we have no objection to the payment of per diem allowances to Messrs. McGloon and Edwards during the period they performed temporary duty in New Orleans.

for 
Comptroller General
of the United States